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Daniel Blake, John England, and about 400 more, Creditors of John, late Lord Lovelace, deceas'd, and Richard Nevill, Esq; and others, Executors and Henry Grey (lately call'd Henry Nevill,) and Henry Fane, Gentlemen, and others Legatees of his Lordship's last Will,

Appellants.

Sir Henry Johnson, Kt. and the Right Honourable Martha, Baroness of Wentworth, his Wife,

Respondents.

The C A S E of the Appellants, the Executors and Legatees.

1 Febr. 1663.

THe said John Lord Lovelace Pursuant to his Marriage-Agreement with Martha his Wife, by Deed and Fine, settled great part of his Estate at Hurly, in Berks for her Joynture; (and in Default of Issue Male) limited the most of his Estate to the Daughters of that Marriage, with a Proviso, to be void on Payment of 10000 l. to such Daughters as he should afterwards appoint.

21 May 1678.

In Pursuance thereof, he, by Indenture tripartite, appoints the said 10000 l. to be paid to such Daughter or Daughters as should be living at his Death, and subject to such Payment, mortgages his said Estate to Richard Newman (in Trust for George Pitt, Esquire) for securing 3400 l. and Interest.

That afterwards Pitt's Debt being (by Money farther advanced) swelled to about 26000 l. and there being no Son but only two Daughters, viz. the Respondent the Lady Wentworth, and Katherine her Sister, and my Lord being intitled to the Reversion of the Mannor of Water-Eaton, Com' Oxon, on the Death of his Mother, being about 1500 l. per Annum, and there being a Treaty of Marriage between the Respondents and both Hurly and Water-Eaton being in Mr. Pitt's Mortgage,

4 March, 1692.

It was by Indenture of this Date between my Lord Lovelace and the Respondents, and the said Katherine, and Mr. Pitt and others in pursuance of such Treaty, and to the Intent that the said Estate at Hurly should be discharged of all Demands of the Respondent and remain only subject to 5000 l. to the said Katherine for her Share of the said 10000 l. payable in such manner as it ought to be paid according to the said Appointment and subject to her said Mother's Joynture, and the Remainder of Mr. Pitt's Debt.

And Water-Eaton being by the Will of Mrs. Drax, charged with 3000 l. viz. 1350 l. to her the Respondent, and 1350 l. to the said Katherine, and 300 l. to Sir John Nevil, after the Death of my Lord's Mother, Sir Henry by this Deed is to pay my Lord but 8000 l. for the said Reversion of Water-Eaton, charged only with the said 1350 l. to Katherine, and 300 l. to Sir John Nevil. But is to advance 8000 l. more (to be secured on Hurly) and both those 8000 l. to be paid towards sinking Pitt's Debt: And Mr. Pitt's Debt being thereby sunk to 10000 l. my Lord and Pitt convey Hurly to Sir Henry, for securing the said last 8000 l. and also 500 l. more by Sir Harry advanced with Interest, Subject to Pitt's said remaining Debt, and the said 5000 l. to Katherine, but subject to an Agreement for Redemption in a Deed to bear Date the next Day, and Water-Eaton is also conveyed, absolutely to Sir Henry and his Heirs.

5 March, 1692.

By Indenture made between my Lord Lovelace and Sir Henry, in part reciting the said Deed of the 4th of March, and such intended Marriage, it is agreed that Sir Henry's Equity of Redemption of Hurly, shall be on special Trust for him to enter on Hurly-Woods, and thereout raise the said Debts due to Mr. Pitt and himself, and that all Hurly subject to the said 5000 l. to Katherine, should be a further Security, charged with Mrs. Drax's said Legacies of 3000 l. in Ease and Discharge of Water-Eaton so by him purchased for 8000 l. and after such Payment, he to reconvey to my Lord and his Heirs, after which, viz.

11 March, 1692.

The Respondent intermarried.

21 April, 1692.

Indentures of Lease and Release of this Date, by his, the Respondent's Direction, were prepared without any Consideration or my Lord's Privity, he being all the while kept drunk, that he knew not what he did (as by the Proofs at large appear) whereby the greatest part of Hurly was mentioned to be conveyed to him the Respondent and his Heirs, and then afterwards, viz.

12 & 13 July, 93.

He procured my Lord, by undue Means, also to execute Writings purporting absolute Conveyances of all Hurly-Woods and Wood-lands to him and his Heirs, thereby disabling his Lordship to pay his just Debts.

June, 1693.

The said Katherine Lovelace dyed before her Father, having (as pretended) made a Will and the Respondents Executors.

That